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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

\*\*\*

UNITED STATES OF AMERICA,

Plaintiff,

vs.

*Omar Qazi,*

Defendant.

Case no: 2:15-cr-00014-APG-VCF

**Objections to Magistrate's Order - Granting  
Doc.# 211 and Denying Substitution of Standby  
Counsel**

(Expedited Treatment Requested)

Certification: This Objection is being Filed Timely.

Relief Sought,

COMES NOW, *Omar Qazi*, In Propria Persona, by Special Appearance and through Myself, Hereby filing this Objections to Magistrate's Order - Granting Doc.#211 and Denying Substitution of Standby Counsel. For the reasons outlined in the attached Memorandum of Points and Authorities, I humbly requests that this court enter an order rejecting the Magistrate Judge's Order and to substitute stand-by counsel.

**Memorandum of Points and Authorities**

At the recent hearing on 10/25/2016 and in my Objection to Doc. #211 (Motion to Clarify), I had provided the Court with proof that Standby Counsel (Lance J. Hendron), was not in my interest at all, would be an ineffective counsel and that it would be highly prejudicial if he is not substituted; to wit:

1. In Mr. Hendron's own Motion to Clarify, he seems to ask the Court to be advisory counsel, that he does not want to be standby counsel, only wants to offer "technical help only" (which he does not do either). He further mentions that "stand-by counsel poses *ethical concerns* for the undersigned... it will also put the undersigned in a position of likely *ineffectiveness* of counsel."

2. At Calender Call on October 11, 2016, he told me that he will only be sitting next to me, will not assist me whatsoever and will not take over mid-trial, even if I don't abide by the Courtroom rules. He also told me that he will make sure that his secretary accepts any further phone calls. But on October 12, 2016, I called his office a few times again and the calls were refused again (*Mr. Hendron's first lie*). (Note: The phone system here at CCA-Pahrump makes it that, when the phone call is answered, the party answering has the option to either accept or refuse the call.)

3. I had also shown how Mr. Hendron and/or his secretary refuse my phone calls and that I have never been able to contact him since he has been appointed as stand-by. Nonetheless, Judge Ferenbach was very bias and prejudicial again at the hearing on 10/25/2016; he said that Mr. Hendron does not need to contact me and that he does not need to know my case. Really?

I have also filed a Motion to Recuse for reasons like this. As to stand-by counsel, the U.S. Supreme Court has said that their role should be limited to participation either outside the jury's presence or "with the defendant's express or tacit consent." *McKaskle v. Wiggins*, 465 U.S. 168, 188, 104 S. Ct. 944, 956, 79 L. Ed. 2D 122 (1984).

In *United States v. Brown*, 393 Fed. Appx. 686, 703 (2010), the Court described how the district court had appointed stand-by counsel to advise a defendant "on legal procedural and

1 substantive matters."

2 In *Lay v. Trammell*, 2015 U.S. Dist. LEXIS 136793 (N.D. Okla., Oct. 7, 2015), The trial  
3 judge also stated that "standby counsel would be available to take the case over if necessary", and  
4 that the defendant "had the right to withdraw his waiver of counsel at any time in the proceedings  
5 and to have counsel appointed to represent him."

6 U.S. v. Gomez-Rosario, 418 F.3d 90, 100-02 (1st Cir. 2005) (court properly appointed standby  
7 counsel to *assist defendant in following court rules*)

8 A judge may terminate self-representation if the defendant is not able or willing to abide by  
9 the rules of procedure or courtroom protocol. *See McKaskle v. Wiggins*, 465 U.S. 168, 173 (1984).

10 Therefore, to my understanding and from the holdings of federal courts, standby counsel  
11 should know my case so he could "be available to take the case over if necessary" and should  
12 contact me to assist me in "following court rules," and to advise me "on legal procedural and  
13 substantive matters." Any other conclusions would be inappropriate.

14 4. At the hearing on 10/25/2016, I had read to Judge Ferenbach, a letter dated October 12, 2016 sent  
15 to me by Mr. Hendron, which mentioned the following "Enclosed please find copies of the  
16 documents contained in the following dockets: 50, 179, 188, 202, 203 and 206." *See Exhibit 1.* (*Mr.*  
17 *Hendron's second lie*) (Note: Mr. Hendron signed this letter himself)

18 I also read to Judge Ferenbach, a CCA Detainee Request Form dated October 14, 2016,  
19 which mentioned the following: "I received legal mail today and opened up the envelope in front of  
20 Unit Manager, Mr. Titsworth. However, the legal mail from Attorney, Lance J. Hendron only  
21 contained Docket 212. The letter mentioned that dockets 50, 179, 188, 202, 203 and 206 were  
22 enclosed but none were. I am requesting that you please affirm your observation of these facts.  
23 Thank you." Mr. Titsworth's response was "That is correct. When you opened your mail there was  
24 only the 212 docket. On the letter you showed me it stated you should have been sent 179, 188, 202,  
25 203 and 206 dockets. They were not in the packet sent." *See Exhibit 2.*

1 5. At the hearing on 10/25/2016, Mr. Hendron also told me once again, that the phone issue is  
2 resolved and that the secretary will answer now. However, when I called a couple times on  
3 10/26/2016, the secretary, once again, refused both of my calls. (Mr. Hendron's third lie). This  
4 seems to be a sick and disrespectful joke by Mr. Hendron that can not be tolerated and because of  
5 these reasons, he can not be trusted whatsoever.

6 6. I also told Judge Ferenbach that Mr. Hendron was being "hostile" towards me in Court as well,  
7 but he ignored this issue. Mr. Hendron specifically raised his tone in an offensive manner saying  
8 "my secretary is going to send you those documents ok!! alright!!" Nonetheless, everything that was  
9 mentioned above was never even refuted in Court by Mr. Hendron, which proves that it is all true.

10 7. The Court also directed "Mr. Hendron to contact Ms. Waldo, former counsel of record, regarding  
11 defendant's case file, exhibits, DNA expert and to contact the private investigator." *See Doc.# 213.*  
12 The only thing that Mr. Hendron did, was contact the private investigator (Craig Retke) and told  
13 him to visit me. I have not heard a single response about any of the other issues and I have not  
14 received the pictures and exhibits that are in the possession of Ms. Waldo. Therefore, Mr. Hendron  
15 is not properly following Court orders as well.

16 8. Since, I can not get a hold of Mr. Hendron, I am also requesting the Court to also provide the  
17 following:

- 18 1. All transcripts of proceedings held in this case, including the Transcripts mentioned in Doc.# 215.  
19 2. Approved CJA Funds for legal copies and prints at CCA-Pahrump and for requested copies of  
20 dockets from PACER.

21 I am requesting that these requests be granted since I do not have access to PACER from  
22 CCA and I have had absolutely no communication from current stand-by other than the few  
23 instances in Court. There are recent Dockets that the government has mentioned in their filings that  
24 I can not even review; Therefore, I can not even review the government's legal arguments.

25 Furthermore, due to all these flagrant issues, Judge Ferenbach is wasting the Courts time and

resources by his frivolous order. He could have just simply substituted Mr. Hendron to another stand-by counsel. I need a stand-by counsel that will be respectful, professional and follow his duties from the Court; Therefore, I humbly request for a substitution of stand-by counsel.

**Conclusion**

I respectfully request that this Honorable Court enter an order rejecting the Magistrate Judge's Order and to substitute stand-by counsel for the reasons mentioned above. I declare under penalty of perjury under the laws of the united states of America that all of the affirmations in this entire document are true and correct to the best of my knowledge.

Executed on November 1, 2016.

Respectfully Submitted,

*Omar Qazi*, All Rights Reserved and Without Prejudice,

Signed: 

# **Exhibit 1**

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# Guymon & Hendron

October 12, 2016

**VIA U.S. First-Class Mail**

Omar Qazi #49760048  
Nevada Southern Detention Center  
2190 E. Mesquite Avenue  
Pahrump, NV 89060

Re: United States of America vs. Omar Qazi  
Case No. 2:15-cr-00014

Mr. Qazi:

Enclosed please find copies of the documents contained in the following dockets: 50, 179, 188, 202, 203 and 206.

Respectfully Yours,



Lance J. Hendron, Esq.

LJH:dk  
Encl(s).

GARY L. GUYMON, ESQ. | LANCE J. HENDRON, ESQ.  
625 S. EIGHTH STREET, LAS VEGAS, NEVADA 89101  
(T) 702-758-5858 (F) 702-387-0034  
GARY@GHLAWN.V.COM | LANCE@GHLAWN.V.COM

1

# **Exhibit 2**





America's Leader in Partnership Corrections

# NEVADA SOUTHERN DETENTION CENTER DETAINEE REQUEST FORM

FROM: Omar Qazi 62-44B 49760048 10-14-16  
DETAINEE NAME HOUSING UNIT CCA ID NUMBER DATE

TO: (CHECK ONE)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> DETAINEE ACCOUNT | <input type="checkbox"/> CHAPLAIN                | <input type="checkbox"/> MAIL ROOM        |
| <input type="checkbox"/> CASE MANAGER     | <input type="checkbox"/> JOBS COORDINATOR        | <input type="checkbox"/> PROPERTY OFFICER |
| <input type="checkbox"/> UNIT COUNSELOR   | <input checked="" type="checkbox"/> UNIT MANAGER | <input type="checkbox"/> OTHER _____      |

REQUEST: I received legal mail today, and opened up the envelope in front of unit manager, Mr. Tittsworth. However, the legal mail from Attorney, Lance J. Handron only contained Docket 212. The letter mentioned that dockets 50, 179, 188, 202, 203 and 206 were enclosed but none were. I am requesting that you please affirm your observation of these facts. Thank you.

DETAINEE SIGNATURE (REQUIRED) [Signature]

## STAFF USE ONLY

RESPONSE / REFER TO: \_\_\_\_\_ DATE: \_\_\_\_\_  
That is correct. When you opened your mail there was only the 212 docket. On the letter you showed me it stated you should have been sent 179, 188, 202, 203 and 206 dockets. They were not in the packet sent.

STAFF SIGNATURE: [Signature] DATE: 10/16/16

WHITE COPY - DETAINEE FILE

YELLOW COPY- DET. REPLY

PINK COPY-DETAINEE

8002302-3653



**Certificate of Service**

I hereby certify that on November 1, 2016, I mailed my Memorandum to the court, to the following:

Clerk of the Court  
District Court  
Lloyd D. George U.S. Courthouse  
333 Las Vegas Blvd. South, Rm. 1334  
Las Vegas, Nevada  
Zip Code Exempt (DMM 122.32)

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**\* Copy of receipt requested \***

*Omar Qazi*  
N.S.D.C.  
2190 E. Mesquite Ave.  
Pahrump, Nevada  
Zip Code Exempt (DMM 122.32)



Omar. Qazi  
N.S.D.C.  
2190 E. Mesquite Ave.  
Pahrump, Nevada  
Zip Code Exempt (DMM 122.32)

Correspondence origin  
ated from a detention  
facility. The facility is  
not responsible for  
the contents herein



US POSTAGE  
\$00.94<sup>9</sup>  
First-Class  
Mailed From 89060  
11/02/2016  
032A 0061838671

C/o: Clerk of the Court  
Lloyd D. George U.S. Courthouse  
333 Las Vegas Blvd. So. Rm. 1334  
Las Vegas, Nevada  
Zip Code Exempt (DMM 122.32)

